IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25091 OF 2007

DATED: 18-12-2007

BETWEEN:

M. Subba Reddy

.....Petitioner

AND

The A.P State Road Transport Corporation, Musheerabad, Hyderabad, rep., by its Managing Director and two others

.....Respondents

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THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25091 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the inordinate delay on the part of the respondents in paying the differential amount of rent as per the instructions of respondent No. 1 vide letter dated 1-12-2001 and recommendations of respondent No. 2 on the proposals of respondent No. 3 as arbitrary, illegal and discriminatory.

The admitted facts are that the son of the petitioner entered into an agreement with respondent No. 1 – Corporation for hiring bus bearing registration No. AP 26 (U) 2755 for being plied between Kavali and Atmakur. There were different agreements covering the period from 24-5-2000 to 25-5-2005. There was variation in the total distance which the bus will be covering in different agreements. In the first instance, respondent No. 1 – Corporation determined the total distance as 353 kms and on the request of the petitioner's son, a joint survey was conducted in which the total distance was determined as 365 kms. As payment was made only on the calculation of the distance at 353 kms, the petitioner's son made representations to the respondents to pay the differential amount as per the instructions issued by respondent No. 1 – Corporation on 1-12-2001. In letter, dated 7-5-2004, respondent No.3 admitted the said liability and addressed respondent No. 2 to give instructions for payment. However, as the said payments were not made, the petitioner's son got legal notice issued on

14-2-2007 and later he died. The petitioner therefore filed the present writ petition for payment of differential rent by taking the total distance between Kavali and Atmakur as 365 kms instead of 353 kms.

Sri C.Prakash Reddy, learned Standing Counsel after taking time for getting instructions submitted today at the hearing that as the route Kavali – Nellore is covered by plying of vehicles of different regions of the Corporation, the distances are calculated differently by

different regions. He placed before me a copy of letter dated 15-12-2007 addressed by the Executive Director (Operations and MIS) to the Senior Law Officer of the Corporation in which it is stated that in view of the said varied calculations of the distances between Kavali and Nellore, the Corporation constituted a Committee to survey the route and that the survey report is awaited. It is further stated that as soon as the report is received, necessary action will be taken to settle the claim of the petitioner.

In view of the stand taken by the Corporation which appears to be justified under the circumstances, I dispose of the writ petition with the following directions:

1) Respondent No. 1 – Corporation shall take steps to get the survey completed within a period of two months, if not already completed.

2) If the Committee is yet to complete the survey, it shall give notice to the petitioner and similarly situated persons before conducting the survey and permit them to participate in the survey.

3) If it is found that the petitioner is entitled to higher amount than what was already paid, the same shall be paid to the petitioner within a period of two months after submission of the report by the Committee to respondent No. 1 – Corporation.

As a sequel to disposal of the writ petition, WPMP No. 32709 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

18-12-2007
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